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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

CENTRAL SECRETARIAT GOVT 1 1974

LOK SABHA

The following Bills were introduced in Lok Sabha on the 1st September, 1972:—

BILL NO 75 OF 1972

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Representation of the People (Amendment) Act, 1972.

Amendment of section 8.

43 of 1951.

2. In section 8 of the Representation of the People Act, 1951, in sub-section (1), after the words and figure "section 153A or" the words and figure "section 153B or" shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Whereas the Parliament by the Criminal Law (Amendment) Act, 1972 has amended the Indian Penal Code, the Code of Criminal Procedure, 1898 and the Unlawful Activities (Prevention) Act, 1967 so as to make drills, exercise and other similar activities organised by communal and other divisive forces punishable under the law, it is necessary that the Representation of the People Act, 1951 should also be suitably amended so as to disqualify from seeking election or from continuing as members of the legislative body all those persons who have been convicted for such acts.

Those persons who have been convicted under section 153A of the Indian Penal Code are already disqualified for a period of 6 years from the date of such conviction from seeking election to legislative bodies. It is necessary that those individuals who are convicted for activities punishable under section 153B of the Indian Penal Code should also be disqualified from being elected to or continuing to be members of a legislative body.

NEW DELHI; SUBHADRA JOSHI.

The 22nd July, 1972.

BILL NO. 74 OF 1972

A Bill to amend the Defence of India Act, 1971.

BE it enacted by Parliament in the Twenty-third year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Defence of India (Amendment) Act, 1972.

(2) It shall come into force atonce.

Amendment of section 6.

2. Clauses (*c*), (*d*) and (*e*) of sub-section (*6*) of section 6 of the Defence of India Act, 1971 shall be omitted. 42 of 1971.

STATEMENT OF OBJECTS AND REASONS

The Maintenance of Internal Security Act, 1971 gives wide power of detention to the Central and the State Governments. At the out-break of last Indo-Pak war, the Defence of India Act, 1971 was enacted under which, by clause (*c*), (*d*) and (*e*) of sub-section (*6*) of section 6 thereof, the period of detention has been extended in some cases to 3 years and in some cases until the expiry of Defence of India Act, 1971. Happily, the war has come to an end and although the proclamation of Emergency has not yet been withdrawn, the situation of emergency does no longer prevail. The Maintenance of Internal Security Act, 1971 provides for detention of persons also on grounds other than the security of the State or for acting in a manner prejudicial to the Defence of India Act. In the present situation there can be no justification for any change in the period of detention as provided in the Maintenance of Internal Security Act, 1971 and such provisions should not be allowed to continue.

Hence this Bill.

NEW DELHI;
The 25th July, 1972.

SOMNATH CHATTERJEE.

BILL NO. 76 OF 1972

A Bill further to amend the Indian Partnership Act, 1932.

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

Short title and Commencement.

1. (*1*) This Act may be called the Partnership (Amendment) Act, 1972.

(*2*) It shall come into force on such date as the Central Government may, by a notification in the Official Gazette, appoint.

Amendment of Section 69.

9 of 1932.

2. For sub-sections (*1*) and (*2*) of section 69 of the Indian Partnership Act, 1932, the following sub-sections shall be and shall always be deemed to have been substituted, namely:

"69. (1) No suit to enforce a right arising from a contract or conferred by this Act shall be instituted in any Court by or on behalf of any person suing as a partner in a firm against the firm or any person alleged to be or to have been a partner in the firm unless

the firm is registered or has applied for registration prior to the institution of the suit and the person suing is or has been shown in the Register of Firms or in the application for registration filed before the Registrar as a partner in the firm.

(2) No suit shall be instituted in any Court by or on behalf of a firm against a third party to enforce a right arising from a contract, unless the firm is registered or has applied for registration prior to the institution of the suit and the persons suing are or have been shown in the Register of Firms or in the application for registration filed before the Registrar as partners in the firm.".

STATEMENT OF OBJECTS AND REASONS

The object of section 69 of the Indian Partnership Act, 1932 is to make it incumbent on the partners of a firm to have the firm registered before institution of any suit of the nature mentioned, therein so as to obviate any uncertainty about the constitution of the firm and to do away with the possibility of any manipulation being made with regard to the constitution of the firm, subsequent to the filing of the suit. Order 30, rule 2 of the Code of Civil Procedure provides that where a suit is instituted by the partners of a firm, the plaintiff is obliged to declare in writing names and places of residence of all the persons constituting the firm on whose behalf the suit is instituted, if a demand in writing is made by or on behalf of any defendant. The Code of Civil Procedure also prescribes the consequence of non-compliance with such demands, namely, stay of all proceedings in the suit.

There have been many instances when a suit is otherwise competent and has merits, but has been dismissed only on the ground that the firm was not registered before the institution of the suit. In many cases, applications for registration are made before the institution of the suit but the actual registration, namely, recording the entry in the Register of the Frims is not made before the suit is instituted. There may be genuine cases, where a suit has to be filed by a firm, not yet registered, in a state of extreme urgency. The firm may lose its valuable rights if it has to go through the entire paraphernalia of registration. To avoid such a contingency and to do away with the harshness of the provision, the Partnership Act, 1932 needs to be amended. By amending the Act in the manner proposed, the object of section 69 of the Act will still be maintained, while on the other hand an unwary litigant will not be deprived of his valuable rights. An application for registration before the filing of the suit will clearly indicate the constitution of the partnership, which would obviously then not be possible to be altered or manipulated.

Hence this Bill.

NEW DELHI;
The 25th July, 1972.

SOMNATH CHATTERJEE.

S. L. SHAKDHER,
Secretary.

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